IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.46 OF 2007

Asha Chandrashekhar Pandey : Applicant

V/s.

Chandrashekhar Puranchandra Pandey : Respondent

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Mr.R.T.Lalwani i/b. Ms S.I. Jayakar for the applicant.

Ms Kokila Kalra for the respondent.

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CORAM : S.A.BOBDE, J.

DATE : JULY 4, 2007.

P.C.

1. By this Misc. Civil Application under section 24 of the Code of Civil Procedure, the applicant seeks transfer of custody proceedings from the District Court, Thane, to the Family Court at Bandra, Mumbai.

2. The proceedings between the parties are as follows:-

The applicant Asha Pandey has sued the respondent for divorce on 10.4.2007 in the Family Court at Bandra, Mumbai. The respondent Chandrashekhar has initiated proceedings for custody of their child, who is with the petitioner, on 6.4.2007, a few days before the

applicant's proceedings.

3. The respondent-husband is defending the proceeding without demur at Bandra in Mumbai. The child whose custody is in issue is residing with the applicant at Mumbai. Having regard to the circumstances of the case and particularly the residence of the child whose custody is in issue and the fact that it would not be inconvenient for the respondent to travel from Navi Mumbai to Mumbai, I consider it appropriate in the interest of justice to direct that proceedings in H.M.P. no.94 of 2007 pending before the 2nd Addl. District & Sessions Judge at Thane be transferred to 5th Family Court at Bandra, Mumbai.

4. The Misc. Civil Application stands disposed of.

S.A. BOBDE, J.